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14
15 **UNITED STATES DISTRICT COURT**
16 **CENTRAL DISTRICT OF CALIFORNIA**

16 ANGEL AGUIAR, Individually and on
17 Behalf of All Others Similarly Situated,

18 Plaintiff,

19 vs.

20 MERISANT COMPANY, and WHOLE
21 EARTH SWEETENER COMPANY,
22 LLC,

23 Defendants.
24

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Civil No.: 2:14-cv-00670-RGK-AGR_x

**SUPPLEMENTAL
DECLARATION OF JEFFREY D.
DAHL WITH RESPECT TO
IMPLEMENTATION OF THE
NOTICE PLAN AND
PERFORMANCE OF REQUIRED
SETTLEMENT
ADMINISTRATION ACTIVITIES**

Judge: Hon. R. Gary Klausner
Date: February 2, 2015
Time: 9:00 a.m.
Ctvm: 850

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28 SUPPL DECL OF JEFFREY D. DAHL
WITH RESPECT TO IMPLEMENTATION
OF THE NOTICE PLAN

Civ. No.: 2:14-cv-00670-RGK(AGR_x)

1 I, Jeffrey D. Dahl, being duly sworn and deposed, say:

2 1. I am over 21 years of age and am not a party to this action.

3 2. I have personal knowledge of the facts stated herein and, if called as a
4 witness, could and would testify competently thereto.

5
6 3. I am Founder and Principle of Dahl Administration, LLC (“Dahl”).
7 Dahl has been retained as the Notice Administrator for the above-captioned action.
8 I am a nationally recognized expert with over 20 years of experience in class action
9 notice and settlement administration. I have provided settlement administration
10 services for more than 500 class actions involving securities, product liability,
11 fraud, property, employment and discrimination. I have experience in all areas of
12 settlement administration including, but not limited to, notification, claims
13 processing and distribution. I have served as a Distribution Fund Administrator for
14 the U.S. Securities and Exchange Commission.
15

16 4. Dahl has been selected as Notice Administrator and Settlement
17 Administrator jointly by Class Counsel and Defendants in their Class Settlement
18 Agreement (“Settlement Agreement”) which was preliminarily approved by the
19 Court on October 2, 2014 in the Court’s Order Re: Plaintiff’s Motion for
20 Preliminary Approval of Class Action Settlement (“Preliminary Approval Order”).
21 I previously submitted a Declaration of Jeffrey D. Dahl with Respect to Settlement
22 Notice Plan, which was attached as Exhibit C to the Settlement Agreement, and a
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1 Declaration of Jeffrey D. Dahl With Respect to Implementation of the Notice Plan
2 and Performance of Required Settlement Administration Activities, which was
3 attached as Exhibit A to the Declaration of Amanda F. Lawrence in Support of
4 Plaintiff's Motion for Final Approval of Class Action Settlement and Request for
5 Entry of Final Judgment and Motion for Approval of Attorney's Fee Award,
6 Expense Reimbursement, and Incentive Award. I submit this Declaration in
7 support of Plaintiffs' Motion for Final Approval of Class Action Settlement and
8 Request for Entry of Final Judgment to establish that the approved Notice Plan was
9 implemented and that Dahl has performed all of the Settlement Administration
10 activities required by the Preliminary Approval Order and the Settlement
11 Agreement.

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16 5. I submit this Declaration to provide updated information to the Court
17 regarding the execution of the Court-approved Notice Plan, the number and nature
18 of claims filed, as well as other updated information related to the administration
19 of this settlement.
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21 6. This Declaration describes: (a) updated information related to the
22 execution of the web-based advertisement component of the settlement Notice
23 Plan; (b) updated information related to the execution of the keyword search
24 advertisement component of the settlement Notice Plan; (c) updated information
25 related to the execution of the social media component of the settlement Notice
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1 Plan; (d) a summary of the total impressions achieved by the digital and print
2 media notice plans to date; (e) updated information related to the settlement
3 website; (f) updated information related to the toll-free telephone helpline; (g) an
4 updated accounting of other communications related to the settlement; and (h) an
5 updated accounting of requests for exclusion and objections related to the
6 settlement.
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9 **WEB-BASED NOTICE**

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11 7. Dahl's media partner FRWD implemented a web-based notice
12 campaign using banner-style notices measuring 728 x 90 pixels and 300 x 250
13 pixels, which was substantially similar to the notices included as Exhibit 4 to the
14 Affidavit of Jeffrey D. Dahl with Respect to Settlement Notice Plan dated
15 August 18, 2014. The banner-style notices contained a link to the Settlement
16 website at www.PureViaSweetenerSettlement.com.
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19 8. The banner-style notices were caused to appear in prominent positions
20 on a subset of individual websites from two networks of websites known as the
21 Reach Channel and Foodie Sites. The banner notices run on websites when the
22 site's demographics match the target audience. As of January 18, 2015, the
23 banner-style notices were placed on selected websites from the two website
24 networks 15,395,896 times.
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1 9. Dahl's media partner FRWD examines "click-through rate" (CTR)
2 data for each website on which the banner-style notices appear on at least a weekly
3 basis. FRWD staff then optimizes the allocation of banner-style notice
4 advertisements across websites based upon the observed CTR data. This process
5 maximizes the exposure of potential Class Members to the Settlement Website,
6 increases the efficiency of the web-based Notice campaign, and drives increases in
7 the claim filing rate throughout the Notice campaign period.
8

9
10 **KEYWORD SEARCH NOTICE**
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12 10. Dahl's media partner FRWD formatted keyword search notice
13 advertisements meeting the standards of the Google and Bing search engine
14 websites. These keyword search notice advertisements were reviewed and
15 approved by the Parties. These notices contained a link to the Settlement website
16 at www.PureViaSweetenerSettlement.com.
17

18 11. Through January 18, 2015, the keyword search notices were displayed
19 11,667 times in response to Google or Bing search engine users' queries that
20 included relevant search terms. The most commonly entered keyword search
21 terms triggering display of the keyword search notice advertisement were "Pure
22 Via sweetener," "Pure Via natural sweetener," "Pure Via natural," and "Pure Via
23 settlement."
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SETTLEMENT WEBSITE

16. Dahl established a settlement website at www.PureViaSweetenerSettlement.com. The settlement website was activated on October 27, 2014, and is still operating. On December 19, 2014, the Declaration of Amanda F. Lawrence in Support of Plaintiff's Motion for Final Approval of Class Action Settlement and Request for Entry of Final Judgment and Motion for Approval of Attorneys' Fee Award, Expense Reimbursement, and Incentive Award, and all related documents were posted on the Settlement Documents page of the settlement website.

17. As of January 18, 2015, the settlement website has received 49,060 visits.

SETTLEMENT INFORMATION LINE

18. On October 27, 2014, Dahl established an automated toll-free settlement information line (1-888-805-9126) to assist potential settlement Class Members and any other persons seeking information about the settlement. As of January 19, 2015 the settlement information line has received 296 telephone calls.

OTHER COMMUNICATIONS

19. As of January 18, 2015, Dahl has received, and responded to when appropriate, 253 emails and 59 pieces of written correspondence related to this settlement.

REQUESTS FOR EXCLUSION AND OBJECTIONS

20. The postmark deadline for potential class members to request to be excluded from this settlement was January 2, 2015. Through January 18, 2015, Dahl has received three timely exclusion requests and no untimely requests for exclusions. Those persons are: Kathy Holcomb, Robin Coar, and Barbara Dunbar.

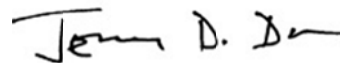
21. The deadline for potential class members to object to this settlement was January 2, 2015. Through January 18, 2015, Dahl has received two objections. The two objections were submitted by Michael Narkin and Barbara S. Cochran. On January 21, 2015, Dahl received a Notice of Withdrawal of Objection by Barbara S. Cochran. Mr. Narkin is thus the sole objector as of January 23, 2015. As of January 22, 2015, Mr. Narkin has not filed a claim form.

CLAIMS FILED

22. Through January 22, 2015, a total of 31,643 claims have been filed.

I declare under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Executed this 23rd day of January, 2015, in Minneapolis, Minnesota.



Jeffrey D. Dahl
Founder and Principal
Dahl Administration, LLC

CERTIFICATE OF SERVICE

I hereby certify that on January 23, 2015, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses denoted on the Electronic Mail Notice List, and I hereby certify that I caused the foregoing document or paper to be mailed via the United States Postal Service to the non-CM/ECF participants indicated on the Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 23, 2015.

/s/ Amanda F. Lawrence

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